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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER LIN, JASON K	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/772,130

**Applicant(s)**

CHEN, JUN

**Examiner**

JASON K. LIN

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 and 25-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 25-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This office action is responsive to application No. 10/772,130 filed on 01/11/2008. **Claims 1-16 and 25-38** are pending and have been examined

***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/11/2008 has been entered.

***Response to Arguments***

3. Applicant's arguments with respect to **Claims 1-16 and 25-38** have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 9, 11, 13-14, and 16** are rejected under 35 U.S.C. 102(e) as being anticipated by D'Souza et al. (US 2006/0117348).

Consider **claim 9**, D'Souza teaches in a virtual tuner executed on a client (application launcher 220-Fig.2; Paragraph 0029, 0037-0038), a method comprising:

receiving a selection made from a plurality of content using an EPG that is output by the client (Paragraph 0029), wherein:

the EPG includes a representation of each said content (EPG, surf guide, index guide – Electronic Program Guide; Paragraph 0024-0027);

each said content is provided for output by a respective one or more of a plurality of applications (Paragraph 0029-0030, 0037-0038); and

at least one said content is television programming (Paragraph 0038, 0040);

choosing one or more of the plurality of applications that, when executed, provide the selected content, wherein the choosing is

independent of any application identifying information originating from a computer distinct from the client (application launcher 220-Fig.2; Paragraph 0029, 0037-0038 teaches software which manages the execution of each of the applications in response to events formed utilizing the EPG); and

managing execution of the chosen one or more applications to output the selected content (Paragraph 0029, 0037-0038).

Consider **claim 11**, D'Souza teaches wherein the managing is performed in response to one or more events received from the EPG (Paragraph 0029, 0036).

Consider **claim 13**, D'Souza teaches wherein said content provided by a first said application is not compatible with a second said application (Paragraph 0037-0038 teaches launching different applications based on the type of content that is to be played. *Therefore, only their corresponding application can play the selected content, so content that is executable by one application is not executable by another*).

Consider **claim 14**, D'Souza teaches wherein: the managing includes managing one or more windows; and at least one of said window is utilized to display the selected content (Paragraph 0033).

Consider **claim 16**, D'Souza teaches one or more computer readable-media comprising computer executable instructions that, when executed on a computer, direct the computer to perform the method of claim 9 (Paragraph 0022-0023).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 4, 6, and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Souza et al. (US 2006/0117348), in view of Jerding et al. (US 6,792,616) herein after referred to as Jerding'616, and further in view of Houghton et al. (US 2005/0021609).

Consider **claim 1**, D'Souza teaches a method comprising:  
outputting an Electronic Programming Guide (EPG) for display by a client (EPG, surf guide, index guide – Electronic Program Guide; Paragraph 0024-0027), wherein:

EPG data originates from a server (Fig.1; Paragraph 0020-0021);

the EPG includes a plurality of representations of a plurality of content (Paragraph 0026-0027, 0029);

the client includes a plurality of applications (Software programs 214, 216, 218, 220 – Fig.2; Paragraph 0029-0030, 0037-0038);

one or more said content is provided for output by a respective said application (Paragraph 0037-0038); and

the EPG is configured to form one or more events in response to user interaction with one or more said representations, wherein the one or more events are based on information other than application identification information originating from the server (Paragraph 0029, 0037-0038); and

executing a virtual tuner on the client to manage execution of each said plurality of applications to provide respective said content in response to the events formed utilizing the EPG (application launcher 220-Fig.2; Paragraph 0029, 0037-0038 teaches software which manages the execution of each of the applications in response to events formed utilizing the EPG),

D'Souza does not explicitly teach at least one said content is television programming for receipt by the client over an Internet;

said virtual tuner utilizing an application identification table that includes a listing of one or more applications to enable execution of each of said plurality of applications.

In an analogous art Jerding'616 teaches, a virtual tuner utilizing an application identification table that includes a listing of one or more

applications to enable execution of each of said plurality of applications  
(Col 11: lines 39-56; Col 10: lines 40-54; Col 11: lines 42-46).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of D'Souza to include a virtual tuner utilizing an application identification table that includes a listing of one or more applications to enable execution of each of said plurality of applications, as taught by Jerding'616, for the advantage of better organization and efficiency for determining the appropriate applications to execute on the client.

D'Souza and Jerding'616 do not explicitly teach at least one said content is television programming for receipt by the client over an Internet;

In an analogous art Houghton teaches, that the content is television programming for receipt by the client over an Internet (Paragraph 0009-0010 teaches receiving web content over communications card 121-Fig.4. The web content may be sports event or a continuous series of programming that is transmitted over the internet).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of D'Souza and Jerding'616 to include at least one said content is television programming for receipt by the client over an Internet, as taught by Houghton, for the advantage of providing programming that might have otherwise been unavailable for which a broadcast network who has viewing rights, but decides not to broadcast the event (Houghton - Paragraph 0010).



Consider **claim 4**, D'Souza, Jerding'616, and Houghton teach managing one or more windows; and at least one of said window is utilized to display the respective said content (D'Souza - Paragraph 0033).

Consider **claim 6**, D'Souza, Jerding'616, and Houghton teach wherein said content provided by a first said application is not compatible with a second said application (D'Souza - Paragraph 0037-0038 teaches launching different applications based on the type of content that is to be played. *Therefore, only their corresponding application can play the selected content, so content that is executable by one application is not executable by another*).

Consider **claim 8**, D'Souza, Jerding'616, and Houghton teach one or more computer readable-media comprising computer executable instructions that, when executed on a computer, direct the computer to perform the method of claim 1 (D'Souza - Paragraph 0022-0023).

8. **Claims 2 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Souza et al. (US 2006/0117348), in view of Jerding et al. (US 6,792,616) herein after referred to as Jerding'616, in view of Houghton et al. (US 2005/0021609), and further in view of Jerding (US 6,738,982) herein after referred to as Jerding'982.

Consider **claim 2**, D'Souza, Jerding'616, and Houghton do not explicitly teach wherein the virtual tuner is further executed to manage a lifecycle of each said application.

In an analogous art Jerding'982 teaches, manage a lifecycle of each said application (Col 3: lines 19-27 teaches a service application manager (SAM) Fig.2, 29 that handles the lifecycle of the applications).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of D'Souza, Jerding'616, and Houghton to include manage a lifecycle of each said application, as taught by Jerding'982, for the advantage of efficiently controlling the activation, suspension, and deletion of applications (Jerding'982 - Col 3: lines 25-27), optimizing the control and the use of resources available to the client device.

Consider **claim 5**, D'Souza, Jerding'616, and Houghton do not explicitly teach wherein the managing of the one or more windows includes displaying the at least one said window in a foreground of a display in response to one or more said events.

In an analogous art Jerding'982 teaches, wherein the managing of the one or more windows includes displaying the at least one said window in a foreground of a display in response to one or more said events (Jerding'982 - Col 7: line 40 – Col 8: line 4 teaches displaying an

underlying application in full screen mode and an email application overlaid on top {foreground} by the SAM 37-Fig.2 of the full screen mode application when a selectable link is activated {events}).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of D'Souza, Jerding'616, and Houghton to include wherein the managing of the one or more windows includes displaying the at least one said window in a foreground of a display in response to one or more said events, as taught by Jerding-982, for the advantage of emphasizing and bringing to the user's attention the desired material, efficiently organizing the visual display of material for the benefit of the user in order to easily view desired material.

9. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Souza et al. (US 2006/0117348), in view of Jerding et al. (US 6,792,616) herein after referred to as Jerding'616, in view of Houghton et al. (US 2005/0021609), and further in view of Hoarty et al. (6,305,020).

Consider **claim 3**, D'Souza, Jerding'616, and Houghton teaches launching the chosen one or more applications for outputting said content selected utilizing the EPG (D'Souza - Paragraph 0029, 0037-0038).

D'Souza, Jerding'616, and Houghton do not explicitly teach terminating the one or more applications said applications when the outputting is complete.

In an analogous art, Hoarty teaches terminating the one or more applications said applications when the outputting is complete (Col 10: lines 11-17 teaches a program managing display of content. When outputting of the content is over, the program follows the steps of call take down {termination} as described in col 9: lines 64-11)

Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of D'Souza, Jerding'616, and Houghton to include terminating the one or more applications said applications when the outputting is complete, as taught by Hoarty, for the advantage of freeing up resources for subsequent use by other applications making efficient use of available resources on the system.

10. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Souza et al. (US 2006/0117348), in view of Jerding et al. (US 6,792,616) herein after referred to as Jerding'616, in view of Houghton et al. (US 2005/0021609), and further in view of Hassell et al (2007/0033615).

Consider **claim 7**, D'Souza, Jerding'616, and Houghton teach wherein the plurality of content (D'Souza - Paragraph 0027) includes remote content available over the Internet (Houghton - Paragraph 0009-0010 teaches receiving web content over communications card 121-Fig.4. The web content may be sports event or a continuous series of programming that is transmitted over the internet), but does not explicitly teach local content available locally on the client.

In an analogous art, Hassell teaches local content available locally on the client (Paragraph 0038-0041 teaches programs stored in digital storage device Fig.3, 4 and displaying the stored programs on a selectable programs listing grid shown in Fig. 5b for selection and playback. Paragraph 0022-0023 and 0025 teaches that the digital storage device Fig.2, 31 can be contained at the set-top box 28 [client] where user equipment Fig.3, 22 is a more generalized embodiment of user equipment Fig.2, 22).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of D'Souza, Jerding'616, and Houghton to include local content available locally on the client, as taught by Hassell, for the advantage of providing stored programming to the user that can be watched anytime and as many times desired at their own leisure.

11. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Souza et al. (US 2006/0117348) in view of Hoarty et al. (6,305,020).

Consider **claim 10**, D'Souza teaches launching the chosen one or more applications for outputting the selected said content (Paragraph 0029, 0037-0038).

D'Souza does not explicitly teach terminating the chosen one or more applications when the outputting is completed or an event is received from the EPG.

In an analogous art, Hoarty teaches terminating the chosen one or more applications when the outputting is completed or an event is received from the EPG (Col 10: lines 11-17 teaches a program managing display of content. When outputting of the content is over, the program follows the steps of call take down {termination} as described in col 9: lines 64-11)

Therefore, it would have been obvious to one of ordinary skill in the art to modify D'Souza's system to include terminate the chosen one or more applications when the outputting is completed or an event is received from the EPG, as taught by Hoarty, for the advantage of freeing up resources for subsequent use by other applications making efficient use of available resources on the system.

12. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Souza et al. (US 2006/0117348) in view of Jerding (US 6,738,982) herein after referred to as Jerding'982.

Consider **claim 12**, D'Souza does not explicitly teach managing includes managing a lifecycle of the chosen one or more applications.

In an analogous art Jerding'982 teaches, managing includes managing a lifecycle of the chosen one or more applications (Col 3: lines 19-27 teaches a service application manager (SAM) Fig.2, 29 that handles the lifecycle of the applications).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify D'Souza's system to include managing includes managing a lifecycle of the chosen one or more applications, as taught by Jerding'982, for the advantage of efficiently controlling the activation, suspension, and deletion of applications (Jerding'982 - Col 3: lines 25-27), optimizing the control and the use of resources available to the client device.

13. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Souza et al. (US 2006/0117348), in view of Houghton et al. (US 2005/0021609), and further in view of Hassell et al (2007/0033615).

Consider **claim 15**, D'Souza teaches a plurality of content (Paragraph 0027), but does not explicitly teach that it includes remote content available over the Internet and local content available locally on the client.

In an analogous art Houghton teaches, remote content available over the Internet (Paragraph 0009-0010 teaches receiving web content over communications card 121-Fig.4. The web content may be sports event or a continuous series of programming that is transmitted over the internet).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify D'Souza's system to include remote content available over the Internet, as taught by Houghton, for the advantage of providing

programming that might have otherwise been unavailable for which a broadcast network who has viewing rights, but decides not to broadcast the event (Houghton - Paragraph 0010).

D'Souza and Houghton do not explicitly teach local content available locally on the client.

In an analogous art, Hassell teaches local content available locally on the client (Paragraph 0038-0041 teaches programs stored in digital storage device Fig.3, 4 and displaying the stored programs on a selectable programs listing grid shown in Fig. 5b for selection and playback. Paragraph 0022-0023 and 0025 teaches that the digital storage device Fig.2, 31 can be contained at the set-top box 28 [client] where user equipment Fig.3, 22 is a more generalized embodiment of user equipment Fig.2, 22).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of D'Souza and Houghton to include local content available locally on the client, as taught by Hassell, for the advantage of providing stored programming to the user that can be watched anytime and as many times desired at their own leisure.

14. **Claims 25 and 27-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Souza et al. (US 2006/0117348) in view of Jerding et al. (US 6,792,616) herein after referred to as Jerding'616.



Consider **claim 25**, D'Souza teaches a client comprising:

a processor (Paragraph 0022 teaches OS software in addition to various application software that are executed on set top terminal 202-Fig.2. *It is inherent that there is a processor in order to execute the software resident at the set top terminal in order to provide the functions of the system*);

a network interface (208-Fig.2), communicatively coupled to the processor (Paragraph 0022 as stated above provides software that runs the entire client system, therefore, the components are communicatively coupled to the processor that is used to execute the software), configured to provide a network connection to a wide area network (WAN) (Paragraph 0020-0021);

a output interface (display interface 210-Fig.2), communicatively coupled to the processor (Paragraph 0022 as stated above provides software that runs the entire client system, therefore, the components are communicatively coupled to the processor that is used to execute the software), configured to provide an output for rendering by a display device (display device 206-Fig.2; Paragraph 0029, 0037-0038); and

memory (memory 212-Fig.2) configured to maintain:

a plurality of applications that are executable on the processor to provide an output of content on the output interface, wherein at least one said content is television programming received at the network interface (Software programs 214, 216, 218, 220 – Fig.2; Paragraph 0021 teaches

receiving video programming via network interface 208-Fig.2; Paragraph 0029-0030, 0037-0038 teaches different applications that may be executed to provide content outputted to the display device for display to the client, where the content can be video programming)

an EPG engine that is executable on the processor to provide an EPG for output on the output interface, wherein the EPG includes a plurality of representations of said content for selection (Presentation software 216-Fig.2; EPG, surf guide, index guide – Electronic Program Guide; Paragraph 0024-0027, 0029); and

a virtual tuner that is executable on the processor to launch one or more of said plurality of applications in response to selection of said content using the EPG, independent of any application identifying information originating from a computer distinct from the client (application launcher 220-Fig.2; Paragraph 0029, 0037-0038 teaches software which manages the execution of each of the applications in response to selection of content utilizing the EPG),

D'Souza does not explicitly teach said virtual tuner utilizing an application identification table that includes a listing of one or more applications to enable execution of each of said plurality of applications.

In an analogous art Jerding'616 teaches, a virtual tuner utilizing an application identification table that includes a listing of one or more applications to enable execution of each of said plurality of applications (Col 11: lines 39-56; Col 10: lines 40-54; Col 11: lines 42-46).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of D'Souza to include a virtual tuner utilizing an application identification table that includes a listing of one or more applications to enable execution of each of said plurality of applications, as taught by Jerding'616, for the advantage of better organization and efficiency for determining the appropriate applications to execute on the client.

Consider **claim 27**, D'Souza and Jerding'616 teach manage one or more windows corresponding to the plurality of applications; and at least one of said window includes display of the selected said content (D'Souza - Paragraph 0033).

Consider **claim 28**, D'Souza and Jerding'616 teach the network interface is configured as a tuner for receiving one or more broadcasts of the television programming over the WAN; and the WAN is configured as a broadcast network (D'Souza - Paragraph 0020-0021 teaches multiple customer set top boxes connected to the distribution network where they receive audio, video, and other types of data sent by the headend).

Consider **claim 29**, D'Souza and Jerding'616 teach wherein the content provided by a first said application is not compatible with a second said application (D'Souza - Paragraph 0037-0038 teaches launching different applications based on the type of content that is to be played. *Therefore, only their corresponding application can play the selected content, so content that is executable by one application is not executable by another*).

15. **Claim 26** is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Souza et al. (US 2006/0117348), in view of Jerding et al. (US 6,792,616) herein after referred to as Jerding'616, and further in view of Jerding (US 6,738,982) herein after referred to as Jerding'982.

Consider **claim 26**, D'Souza and Jerding'616 teach do not explicitly teach wherein the virtual tuner is further executable to terminate execution of the one or more said applications.

In an analogous art Jerding'982 teaches, wherein a virtual tuner is further executable to terminate execution of the one or more said applications (Jerding'982 - Col 3: lines 19-27 teaches service application manager (SAM) Fig.2, 29 that handles the lifecycle of applications on the system, including suspension and deletion of services).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify D'Souza's system to include wherein a virtual tuner is further executable to terminate execution of the one or more said

applications, as taught by Jerding'982, for the advantage of efficiently controlling the activation, suspension, and deletion of applications (Jerding'982 - Col 3: lines 25-27), optimizing the control and the use of resources available to the client device in order to save system resources.

16. **Claim 30** is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Souza et al. (US 2006/0117348), in view of Jerding et al. (US 6,792,616) herein after referred to as Jerding'616, and further in view of Knudson et al. (6,526,577).

Consider **claim 30**, D'Souza and Jerding'616 do not explicitly wherein the WAN is the Internet.

In an analogous art, Knudson teaches a WAN is the Internet (Col 5: lines 34-50 teaches video signals, e.g. television programs, that is distributed over communications path Fig.2c, 20. Communications path 20 may be an Internet link).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of D'Souza and Jerding'616 to have the WAN as the internet, as taught by Knudson, for the advantage of providing programming to users that might otherwise be unable to receive programming over the air and do not have cable.

17. **Claim 31** is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Souza et al. (US 2006/0117348), in view of Jerding et al. (US 6,792,616) herein after referred to as Jerding'616, and further in view of Hassell et al (2007/0033615).

Consider **claim 31**, D'Souza and Jerding'616 teach wherein the content includes remote content available over the WAN (D'Souza - Paragraph 0021, 0027), but does not explicitly teach local content available locally on the client.

In an analogous art, Hassell teaches local content available locally on the client (Paragraph 0038-0041 teaches programs stored in digital storage device Fig.3, 4 and displaying the stored programs on a selectable programs listing grid shown in Fig. 5b for selection and playback. Paragraph 0022-0023 and 0025 teaches that the digital storage device Fig.2, 31 can be contained at the set-top box 28 [client] where user equipment Fig.3, 22 is a more generalized embodiment of user equipment Fig.2, 22).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of D'Souza and Jerding'616 to include local content available locally on the client, as taught by Hassell, for the advantage of providing stored programming to the user that can be watched anytime and as many times desired at their own leisure.

18. **Claims 32, 34-35, and 37-38** are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Souza et al. (US 2006/0117348), in view of Jerding et al. (US 6,792,616) herein after referred to as Jerding'616, and further in view of Hassell et al. (US 2007/0033615).

Consider **claim 32**, D'Souza teaches a system comprising:  
a network (110-Fig.1, 204-Fig.2; Paragraph 0020-0021);  
an EPG provider communicatively coupled to the network and including remote EPG data that describes remote content that is available over the network, the remote content including television programming (112, 114, 116, 118, 120 – Fig.1; Paragraph 0020-0021; Paragraph 0038);  
a client communicatively coupled to the network (Paragraph 0021) and including;  
one or more processors and a plurality of applications that are executable thereon to provide at least one of local content and the remote content for rendering on a display device (Software programs 214, 216, 218, 220 – Fig.2; Paragraph 0021 teaches receiving video programming via network interface 208-Fig.2; Paragraph 0029-0030, 0037-0038 teaches different applications that may be executed to provide content outputted to the display device for display to the client, where the content can be video programming. Paragraph 0022 teaches OS software in addition to various application software that are executed on set top terminal 202-Fig.2. *It is inherent that there is a processor in order to*

*execute the software resident at the set top terminal in order to provide the functions of the system*); and

a guide application that is executable to generate an EPG from the remote content that is configured to initiate one or more events (Presentation software 216-Fig.2; EPG, surf guide, index guide – Electronic Program Guide; Paragraph 0024-0027, 0029);; and

a virtual tuner that is executable to manage the plurality of applications in response to the one or more events (application launcher 220-Fig.2; Paragraph 0029, 0037-0038 teaches software which manages the execution of each of the applications in response to events formed utilizing the EPG),

enabling execution of each of the plurality of applications independent of any application identifying information originating from a computer distinct from the client (Paragraph 0037-0038).

D'Souza does not explicitly teach local EPG data that describes the local content;

a guide application that is executable to generate an EPG from local EPG content;

said virtual tuner utilizing an application identification table that includes a listing of one or more applications to enable execution of each of the plurality of applications.

In an analogous art Jerding'616 teaches, a virtual tuner utilizing an application identification table that includes a listing of one or more



applications to enable execution of each of the plurality of applications independent of any application identifying information originating from a computer distinct from the client (Col 11: lines 39-56; Col 10: lines 40-54; Col 11: lines 42-46).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of D'Souza to include a virtual tuner utilizing an application identification table that includes a listing of one or more applications to enable execution of each of the plurality of applications, as taught by Jerding'616, for the advantage of better organization and efficiency for determining the appropriate applications to execute on the client.

D'Souza and Jerding'616 do not explicitly teach local EPG data that describes the local content;

a guide application that is executable to generate an EPG from local EPG content that is configured to initiate one or more events;

In an analogous art Hassel teaches, local EPG data that describes the local content (Paragraph 0038 teaches program listings that indicates currently stored programs on a storage device. Paragraph 0022 teaches that the storage device can be contained in set-top box 28-Fig.2);

a guide application that is executable to generate an EPG from local EPG content that is configured to initiate one or more events (Fig.5b; Paragraph 0038-0040 teaches an EPG containing programs from storage device and programs from outside sources. Paragraph 0041 teaches a

user selecting a stored program listing and the EPG issuing commands in response to the selection);

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of D'Souza and Jerding'616 to include local EPG data that describes the local content; a guide application that is executable to generate an EPG from local EPG content that is configured to initiate one or more events, as taught by Hassel, for the advantage of providing easy and organized access of stored programming to the user that can be watched anytime and as many times desired at their own leisure.

Consider **claim 34**, D'Souza, Jerding'616, and Hassell teach the local EPG data is generated by the guide application by examining the client (Hassel - Paragraph 0038-0040 teaches displaying program listing data of programs currently stored on storage device. When a stored program is selected the program guide can further obtain more information associated with the listing from the storage device).

Consider **claim 35**, D'Souza, Jerding'616, and Hassell teach wherein said content provided by a first said application is not compatible with a second said application (D'Souza - Paragraph 0037-0038 teaches launching different applications based on the type of content that is to be

*played. Therefore, only their corresponding application can play the selected content, so content that is executable by one application is not executable by another).*

Consider **claim 37**, D'Souza, Jerding'616, and Hassell teach manages one or more windows that include a display of at least one of local and remote content (D'Souza - Paragraph 0033; Hassell - Fig.5b; Paragraph 0038-0041 teaches an EPG containing programs from storage device and programs from outside sources where upon selection can be displayed for play for the user).

Consider **claim 38**, D'Souza, Jerding'616, and Hassell teach wherein the EPG includes a plurality of representations, wherein at least one said representation represents remote content and another said representation represents the local content (D'Souza – Paragraph 0023, 0027, 0029; Hassell - Fig.5b; Paragraph 0038-0041 teaches an EPG containing programs from storage device and programs from outside sources).

19. **Claim 33** is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Souza et al. (US 2006/0117348), in view of Jerding et al. (US 6,792,616) herein after referred to as Jerding'616, in view of Hassell et al. (US 2007/0033615), and further in view of Hoarty et al. (6,305,020).

Consider **claim 33**, D'Souza, Jerding'616, and Hassell teach launching one or more of the plurality of applications to process at least one of the local and remote content (D'Souza - Paragraph 0029, 0037-0038; Paragraph 000021; Hassell - Fig.5b; Paragraph 0038-0040 teaches an EPG containing programs from storage device and programs from outside sources. Paragraph 0041 teaches a user selecting a stored program listing and the EPG issuing commands in response to the selection).

D'Souza, Jerding'616, and Hassell do not explicitly teach terminating the one or more applications when the provision of the content is completed.

In an analogous art, Hoarty teaches terminating the one or more applications when the provision of the content is completed (Col 10: lines 11-17 teaches a program managing display of content. When outputting of the content is over, the program follows the steps of call take down {termination} as described in col 9: lines 64-11)

Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of D'Souza, Jerding'616, and Hassell to include terminating the one or more applications when the provision of the content is completed, as taught by Hoarty, for the advantage of freeing up resources for subsequent use by other applications making efficient use of available resources on the system.

20. **Claim 36** is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Souza et al. (US 2006/0117348), in view of Jerding et al. (US 6,792,616) herein after referred to as Jerding'616, in view of Hassell et al. (US 2007/0033615), and further in view of Jerding (US 6,738,982) herein after referred to as Jerding'982.

Consider **claim 36**, D'Souza, Jerding'616, and Hassell do not explicitly teach wherein the virtual tuner manages a lifecycle of each said application.

In an analogous art Jerding'982 teaches, manage a lifecycle of each said application (Col 3: lines 19-27 teaches a service application manager (SAM) Fig.2, 29 that handles the lifecycle of the applications).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of D'Souza, Jerding'616, and Hassell to include manage a lifecycle of each said application, as taught by Jerding'982, for the advantage of efficiently controlling the activation, suspension, and deletion of applications (Jerding'982 - Col 3: lines 25-27), optimizing the control and the use of resources available to the client device.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON K. LIN whose telephone number is

Art Unit: 2623

(571)270-1446. The examiner can normally be reached on Mon-Fri, 9:00AM-6:00PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571)272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Jason Lin

04/03/2008

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